



GOVERNMENT OF ANDHRA PRADESH

ABSTRACT

AH, DD & F Department - Sri Meer Sujath Ali formerly Livestock Assistant (dismissed) Andhra Pradesh Administrative Tribunal, Hyderabad orders in CA No.28/2010 in O.A. No.2912/2003 - Rescind of dismissal orders - Issued.

ANIMAL HUSBANDRY, DAIRY DEV. & FISHERIES (AH.II) DEPARTMENT

G.O.Ms.No.66,

Dt. 23- 10-2010

Read the following:

1. Proceedings of the Director of Animal Husbandry vide proceeding no.26812, dated 25-1-1999.
2. Andhra Pradesh Administrative Tribunal, Hyderabad orders in O.A.No.2912/2003, dated 27-4-2009
3. From the Director of Animal Husbandry, Hyderabad Lr.No.12283/VC/G3/2009, Dated 12-10-2010.
4. From the Government Pleader, APAT Lr.No.CA 28/2010 in OA 2912 of 2003/MKSR/M & H (S), dated 22-10-2010.

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ORDER:

As seen from the records available, Sri Meer Sujath Ali was appointed as Veterinary Compounder on 17-09-1959. He applied for voluntary retirement on 04-07-1981 and thereafter stopped attending to his duties. His request for voluntary retirement was rejected by the Director of Animal Husbandry on grounds that he had not completed the minimum qualifying service of 20 years (excluding Extra Ordinary Leave). He had availed Extra Ordinary Leave in different spells earlier totally a period of 3 years 4 months and 25 days. The rejection of his request was done in Proceedings No.60550/B8/83, dt.29-08-1983. For his unauthorized absence from duty disciplinary proceedings were initiated and Joint Director, Karimnagar was appointed as Enquiry Officer to conduct enquiry against Sri Meer Sujath Ali for his unauthorized absence from duty from 04-07-1981. The Enquiry Officer conducted enquiry and submitted his report stating that the charges framed against Sri Meer Sujath Ali were held proved. A show cause notice was also issued by publishing the same in the A.P. Gazette as Sri Meer Sujath Ali was not available to receive and offer his explanation to the show cause notice issued for imposing the punishment. In fact the entire disciplinary proceedings were conducted with no representation from Sri Sujath Ali and notices, charges etc. could not be served on him due to his unavailability to receive the same. The Director of Animal Husbandry vide his proceedings No. 26812/G4/97, dt.25-01-1999 dismissed Sri Meer Sujath Ali from service.

2. Sri Meer Sujath Ali approached the APAT and the Hon'ble APAT in its order in O.A. No.2912 of 2003, dt. 27-04-2009 held that the proceedings of dismissal from service are liable to be set aside and accordingly the impugned order was set aside. The respondents were directed to pay pension, gratuity and other pensionary benefits to the applicant after obtaining permission from the relevant authorities as per rules within a period of six weeks.

3. The Director of Animal Husbandry requested the Government that in view of the Hon'ble APAT's order, the Government may pass suitable directions and orders in the matter. In the meanwhile an appeal has been filed before the Hon'ble High Court in WP No. 4218/2010.

4. The Government after going through connected relevant records, it is noticed that Sri Mir Sujath Ali, Livestock Assistant has availed the leave on different spells as follows:

{PTO}

Sl. No.	Type of leave	Period of leave		No. days
		From	To	
1	Earned Leave	12-5-1969	31-5-1969	20 days
2	Do	26.6.1970	14-9-1970	81 days
3	Do	15.9.1970	23.10.1970	39 days
4	Half pay leave	24-10-1970	25.11.1970	33 days
5	Earned Leave	1-9-1971	16-9-1971	16 days
6	Earned leave	9.10.1971	30.10.1971	22 days
7	Earned Leave	9-7-1973	31-7-1973	23 days
7	-do-	12.5.1977	9-8-1977	90 days
8	Half pay leave	10.8.1977	5.1.1978	180 days
9	-DO-	6.1.1978	6-3-1978	60 days
10	EOL	7.3.1978	4-7-1978	120 days
11	EOL	5-7-1978	25-6-1981	1086 days

5. As seen from the above statement, it is shown that the individual is habituated to absconding from duty by availing the leave in which he was having. The duties of Livestock Assistant is to treat the Livestock and to assist the Veterinary Doctors. It is all most all comes under essential services.

6. Sri Mir Sujath Ali, Livestock Assistant has availed above said leave and reported for duty at Rural Livestock Unit,, Sirisapally, on 26-6-1981 and he worked upto 3-7-1981 i.e., for (8) days and applied for earned leave on medical grounds from 4-7-1981 to 2-8-1981 and left the Head Quarters. After expiry of leave the individual has joined for duty and applied voluntary retirement w.e.f. 4-7-1981. But the request of the voluntary retirement was rejected duly requesting him to report for duty on the plea that he has not completed (20) years of qualifying service under rule 43 of Revised Pension rules 1980. The same fact has been informed to the individual to his house address. The register cover has been returned due to absence of the individual.

7. The Director of Animal Husbandry, has initiated disciplinary proceedings for his unauthorized absence against Sri Mir Sujath Ali, Livestock Assistant and dismissed the individual from the service 25-1-1999. As seen from the relevant records the individual has to be retired from service after attaining the age of Superannuation i.e, on 31-8-1998. Hence, the proceedings initiated by the Director of Animal Husbandry is not proper. The Government is only competent authority to impose the any penalty etc., against the retired officers as per the Andhra Pradesh Revised Pension Rules.

8. Keeping in view of the above circumstances as charged officer was punished after attaining the age of superannuation, Government hereby permit the Director of Animal Husbandry, to rescind the proceedings issued in the reference 1st read above and direct to submit the revised proposals to review the entire matter and to pass appropriated final orders as per the existing rules in force.

(BY ORDER AND IN THE NAME OF THE GOVERNOR OF ANDHRA PRADESH)

**SHRIPAD BHALE RAO
SPECIAL CHIEF SECRETARY TO GOVERNMENT**

To
The Director of Animal Husbandry, Hyderabad
The individual through the Director of Animal Husbandry
The AG, Andhra Pradesh, Hyderabad
The DTO, Andhra Pradesh, Hyderabad.
Sf/Sc.

//FORWARDED BY ORDER//

SECTION OFFICER